

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR 1) (WEST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET; AND 2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (JOHN G. MCGILVRAY, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Rich Steiger **EXT.** 7936

**Agenda Date** 1-26-04 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☐

**MOTION/RECOMMENDATION:**

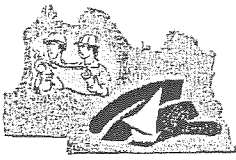
1. **APPROVE** THE REQUEST FOR 1) (WEST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET; AND 2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (JOHN G. MCGILVRAY, APPLICANT); OR
2. **DENY** THE REQUEST FOR 1) (WEST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET; AND 2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (JOHN G. MCGILVRAY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 4 – Henley)

(Rich Steiger, Planner)

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> JOHN G. MCGILVRAY <b>LOCATION:</b> 2314 SANDALWOOD DRIVE <b>ZONING:</b> R-1A (SINGLE FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>THE APPLICANT CONSTRUCTED A 169 SF (13 X 13) ACCESSORY STRUCTURE WITHOUT A BUILDING PERMIT; A NOTICE OF VIOLATION FROM THE SEMINOLE COUNTY BUILDING DIVISION WAS SUBSEQUENTLY ISSUED.</li> <li>THE UNPERMITTED STRUCTURE ENCROACHES 6.89 FEET INTO BOTH THE MINIMUM REAR AND SIDE YARDS.</li> </ul>

	<ul style="list-style-type: none"><li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.</li><li>• THE REQUESTED VARIANCES ARE NOT THE MINIMUM THAT WOULD ENSURE REASONABLE USE OF THE PROPERTY. THE OPPORTUNITY EXISTS TO RELOCATE THE STRUCTURE TO COMPLY WITH THE SIDE AND REAR YARD SETBACKS.</li><li>• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER PROPERTIES IN THE LAURELWOOD SUBDIVISION, BY ALLOWING ENCROACHMENT INTO THE REAR AND SIDE YARDS WITHOUT THE DEMONSTRATION OF A SPECIAL CIRCUMSTANCE OR HARDSHIP.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUESTS UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED, AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• THE EXISTING UTILITY EASEMENT MUST BE VACATED; AND</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. \_\_\_\_\_

### APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

#### APPLICATION TYPE:

☒ **VARIANCE** side yard setback variance from 7.5' to 3.11'

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR \_\_\_\_\_

YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_

ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	John G. McGilvray	
ADDRESS	2314 Sandalwood Dr	
PHONE 1	(407) 834-0463	
PHONE 2		
E-MAIL		



Mr. John G. McGilvray  
2314 Sandalwood Dr  
Casselberry, FL 32730

PROJECT NAME: Sandalwood (2314)

SITE ADDRESS: 2314 Sandalwood

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: LEG LOT 7 LAURELWOOD PB 15 PG 85

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 19-21-30-518-0000-0070

UTILITIES: ☒ WATER ☐ WELL ☒ SEWER ☒ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS Construction of shed w/o permit

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on Jan. 27, 2004  
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

John G. McGilvray  
SIGNATURE OF OWNER OR AGENT\* DATE 11/17/03

\* Proof of owner's authorization is required with submission if signed by agent.

# ADDITIONAL VARIANCES

## VARIANCE 2:

Rear yard setback variance from 7.5' to 3.11'

## VARIANCE 3:

Lot size variance from 9,000 sf to 2,500 sf

## VARIANCE 4:

## VARIANCE 5:

Applicant to submit  
site plan by 11/21/03.

## VARIANCE 6:

## VARIANCE 7:

## VARIANCE 8:

Jw'e

## APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE January 27, 2004

FOR OFFICE USE ONLY

## PROCESSING:

FEE: \$150.00 COMMISSION DISTRICT 4-Henley FLU/ZONING LDR/R-1A  
LOCATION FURTHER DESCRIBED AS Approx. 500' south of the intersection  
of Sandalwood and South St.

PLANNER JV

DATE 11/17/03

SUFFICIENCY COMMENTS Applicant to submit site plan by 11/21/03

PLAT OF SURVEY

FOR

LAURELWOOD HOMES INC.

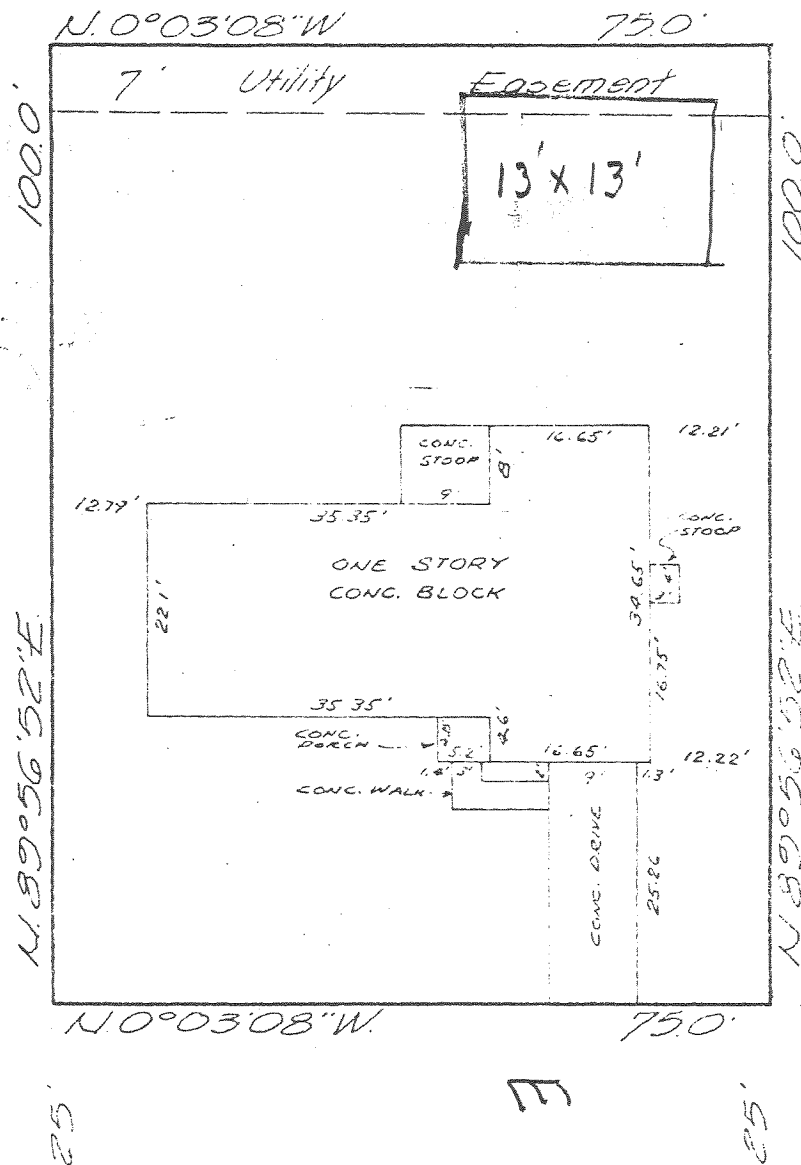
DESCRIPTION

LAURELWOOD

Lot 7

RECORDED IN PLAT BOOK 15 PAGE 85 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

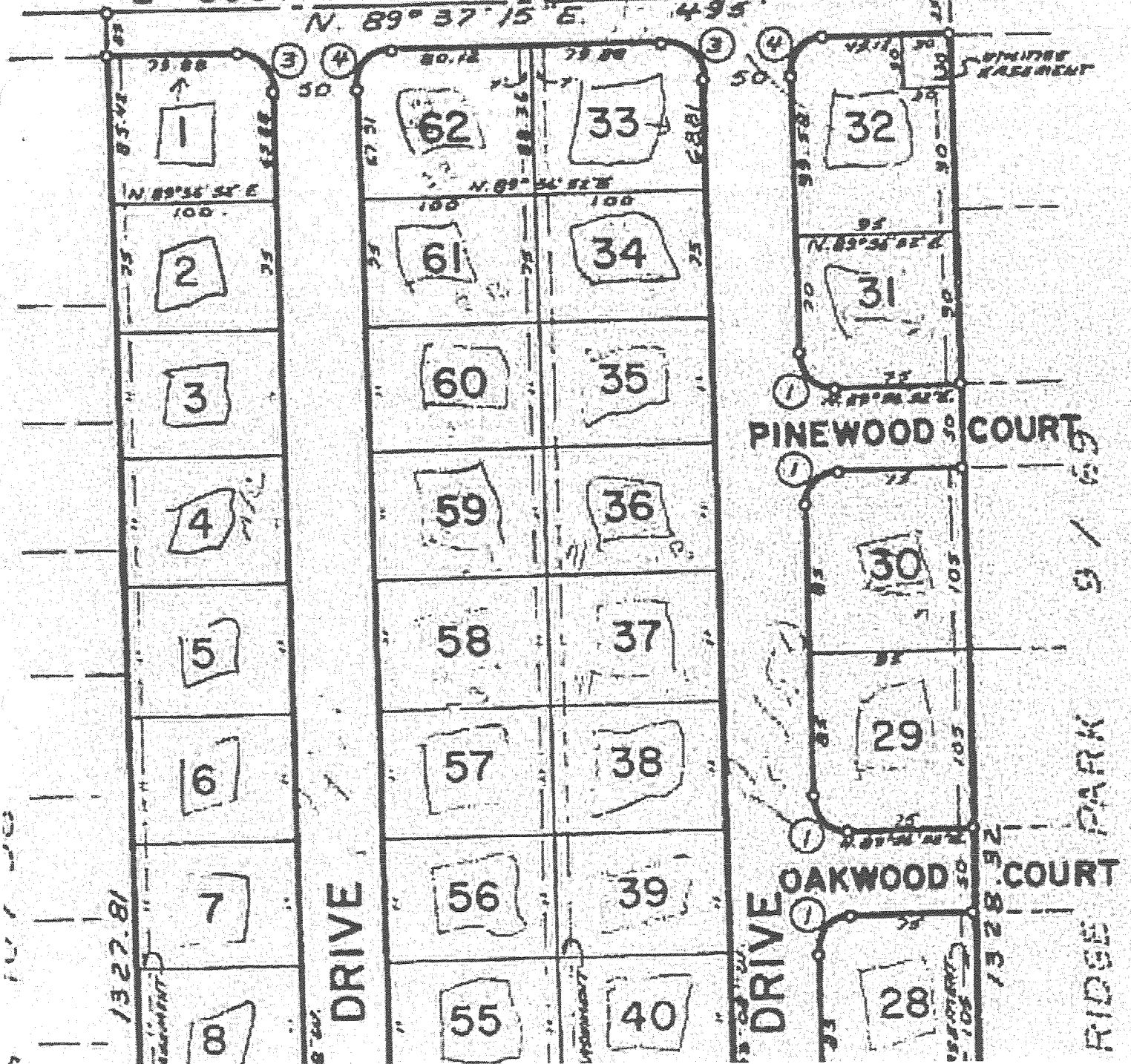
NORTH


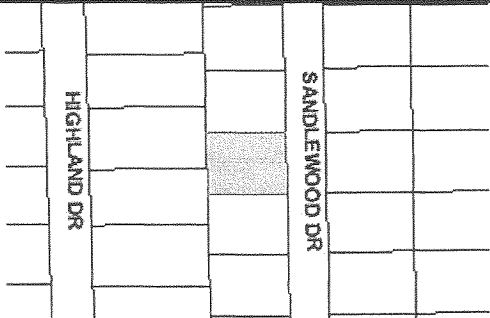



SANDALWOOD DR. E

N/E CORNER OF  
NIN 1/4 SEC

495



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH	◀ Back ▶																																				
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																									
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 19-21-30-518-0000-0070      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MC GILVRAY JOHN G &amp; HELEN E      Exemptions: 00-HOMESTEAD</p> <p>Address: 2314 SANDALWOOD DR</p> <p>City,State,ZipCode: CASSELBERRY FL 32730</p> <p>Property Address: 2314 SANDALWOOD DR CASSELBERRY 32730</p> <p>Subdivision Name: LAURELWOOD</p> <p>Dor: 01-SINGLE FAMILY</p>				<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$68,600</p> <p>Depreciated EXFT Value: \$446</p> <p>Land Value (Market): \$12,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$81,046</p> <p>Assessed Value (SOH): \$60,562</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$35,562</p>																																					
<p align="center"><b>SALES</b></p> <p>Deed Date Book Page Amount Vac/Imp</p> <p>Find Comparable Sales within this Subdivision</p>				<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$972</p> <p>2003 Tax Bill Amount: \$585</p> <p>Savings Due To SOH: \$387</p> <p>2003 Taxable Value: \$34,143</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																					
<p align="center"><b>LAND</b></p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>12,000.00</td> <td>\$12,000</td> </tr> </tbody> </table>				Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	12,000.00	\$12,000	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOT 7 LAURELWOOD PB 15 PG 85</p>																									
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									

BACK

PROPERTY APPRAISER  
HOME PAGE

CONTACT

Margaret Pierce  
111 Highland Dr.  
Fern Park, FL 32730

December 3, 2003

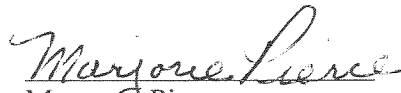
Seminole County Board of Adjustment  
Planning and Development Dept.  
Planning Division  
Mr. J. V. Torregrosa

Subject: Request for Variance for Work Shop Shed

I have no objection to John McGilvray keeping his shed as it is.

We have shrubbery that acts as a barrier between our properties.

Sincerely,

  
Margaret Pierce

Steve Wilbanks  
2400 Sandalwood Drive  
Fern Park, FL 32730

December 3, 2003


Seminole County Board of Adjustment  
Planning and Development Dept.  
Planning Division  
Mr. J.V. Torregrosa

Subject: Request for Variance for Work Shop Shed

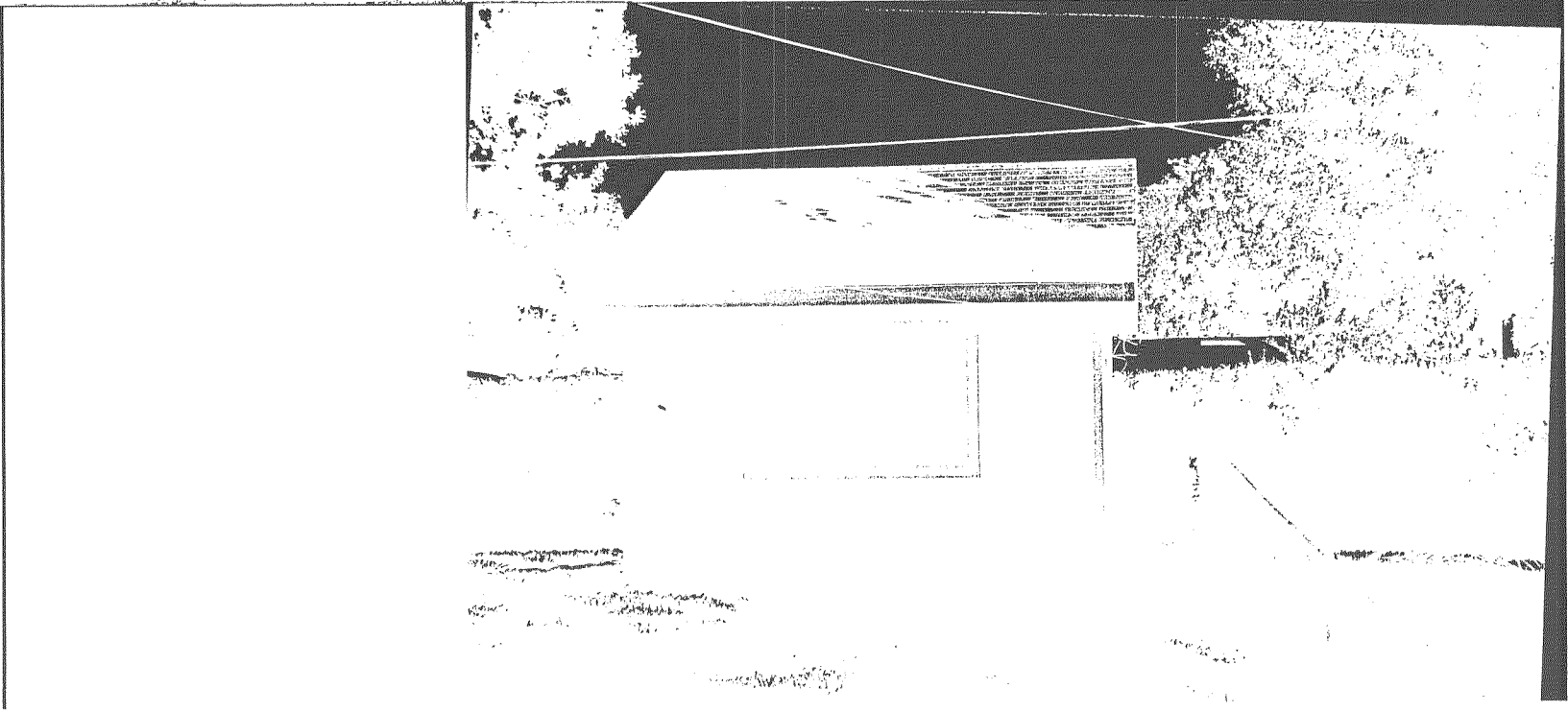
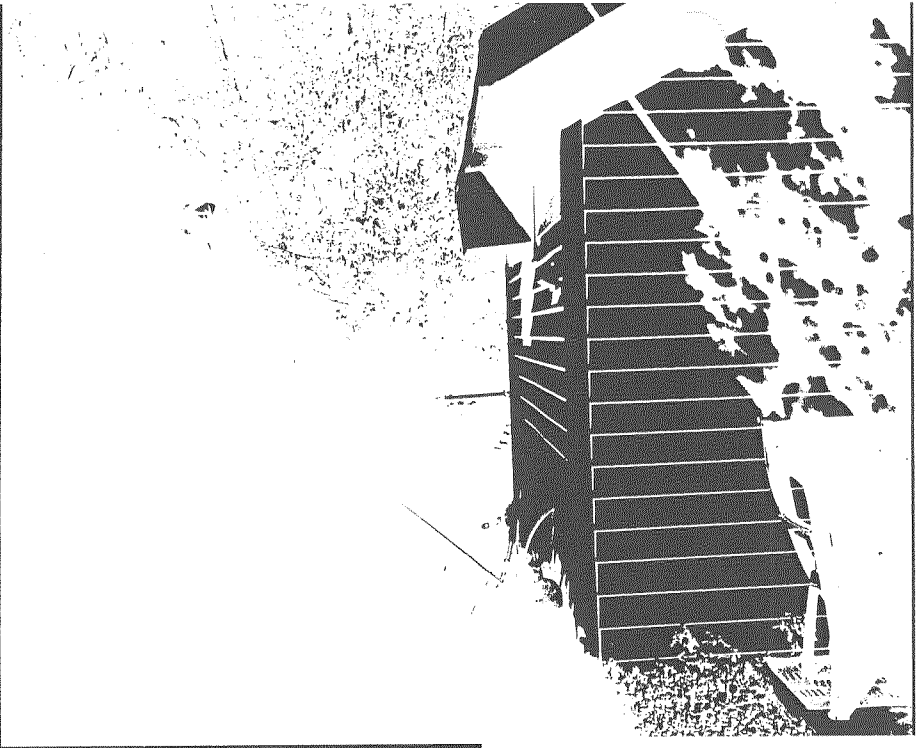
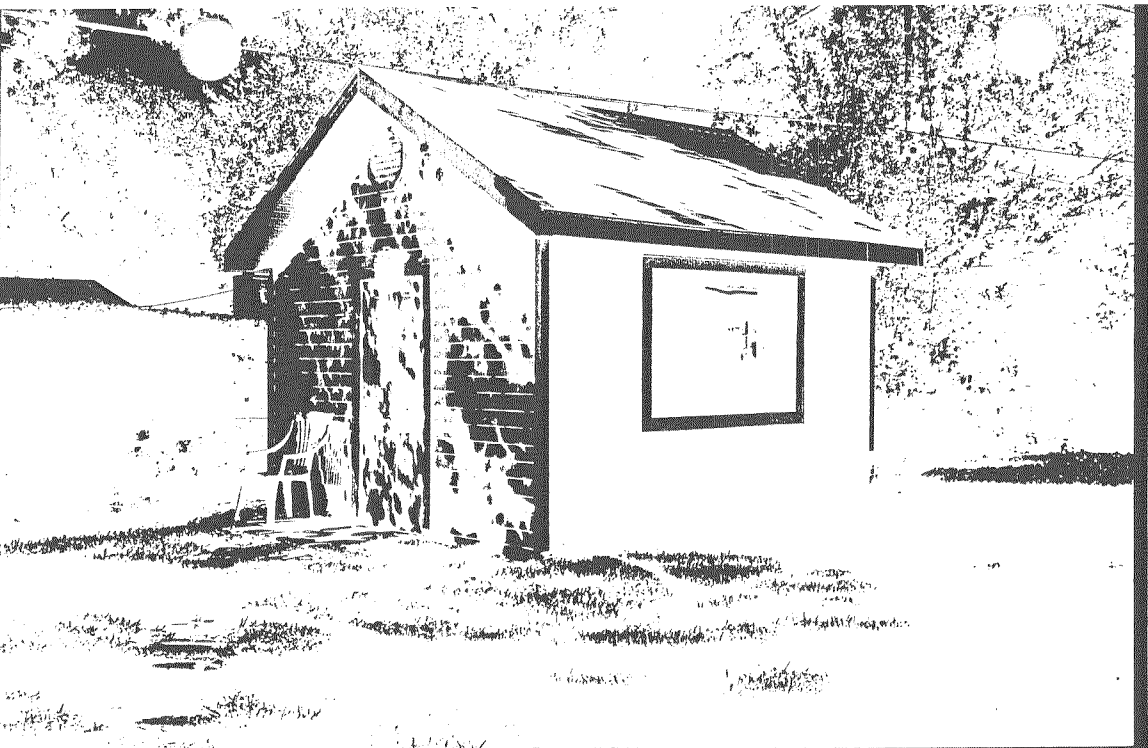
My neighbor John McGilvray is requesting a variance for his shed.

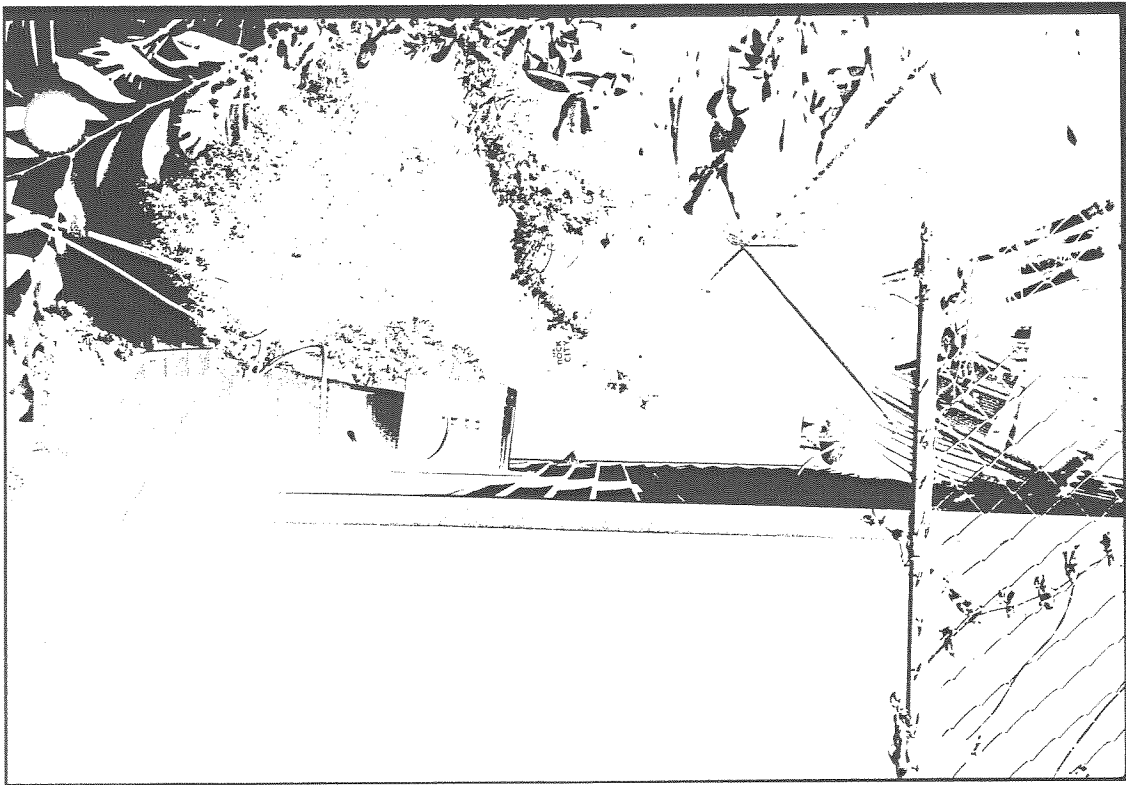
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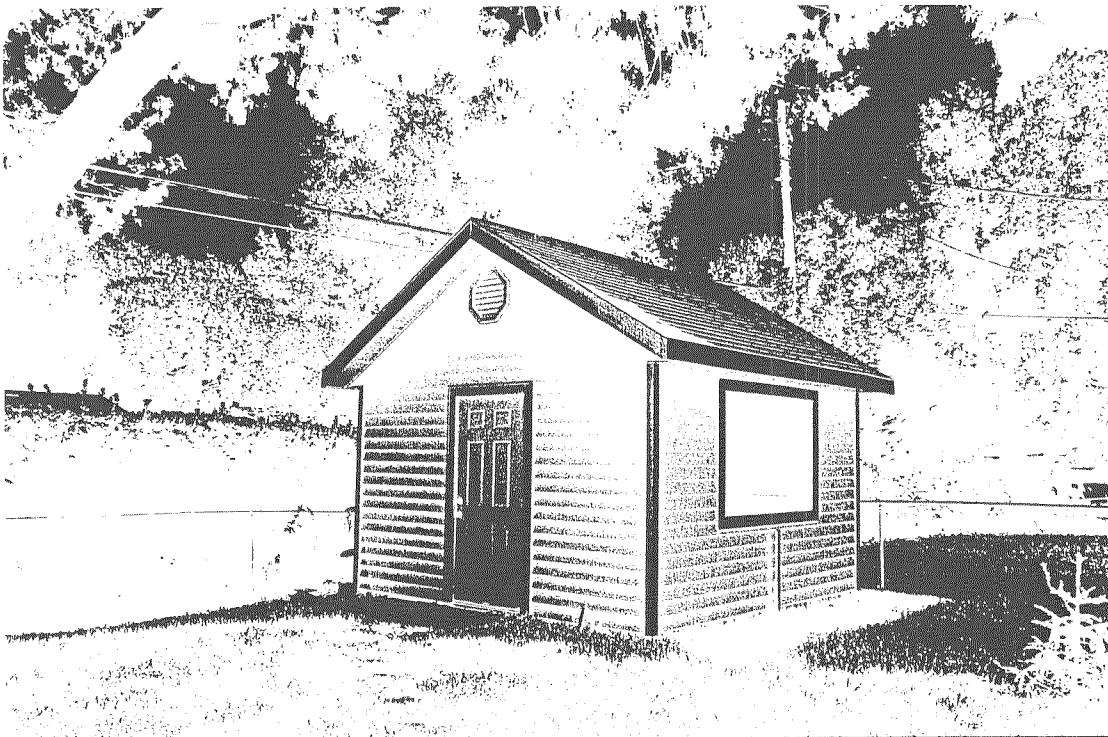
Sincerely,



Steve Wilbanks









# John Mc Gilvray 2314 Sandalwood Dr.



0 150 300 600 Feet

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 7 LAURELWOOD PB 15 PG 85

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** JOHN MCGILVRAY  
2314 SANDALWOOD DRIVE  
CASSELBERRY, FL 32730

**Project Name:** SANDALWOOD DRIVE (2306)

**Requested Development Approval:**

1. WEST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET;  
AND
2. (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.11 FEET  
FOR AN EXISTING SHED

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Rich Steiger, Planner  
1101 East First Street  
Sanford, Florida 32771

### Order

#### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. The variance granted will apply only to the proposed building as shown on the attached site plan and elevation drawings; and
  2. The existing utility easement must be vacated.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: